

**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM****Governance Committee Meeting Minutes****Ramada Inn – Kearney, NE****February 10-11, 2009****Tuesday, February 10, 2009****Welcome & Administrative**

Don Ament called the meeting to order and thank Mike Purcell for his good work as previous GC chair. The group gave Purcell a round of applause and then proceeded with introductions. **Ament approved the December 2008 GC minutes as presented.** June DeWeese said the Service would like to talk about LB 438 when appropriate.

Program Committee Updates*Land Advisory Committee (LAC)*

Mark Czaplewski (CPNRD) provided an update on the latest LAC activities. The last meeting was January 8th. Four land acquisition recommendations were advance to the GC and will be discuss tomorrow. A new thought has been tossed out related to trade lands and the LAC passed a motion to bring it forward to the GC for approval. The LAC plans to establish a framework for how to define and describe “trade lands” or lands for exchange. The LAC talked about the five-year management plans for the Wyoming property and Cottonwood Ranch, as well as complex size. The next meeting is March 11 at 9:00 a.m. Purcell asked about whether a resolution was met on complex size. Greg Wingfield from the Service said there is need in all bridge segments except for the Cottonwood Ranch segment to meet the initial thoughts on complex size. At this point in time, it did not seem practical for the Service to set hard complex size guidelines.

Water Advisory Committee (WAC)

Frank Kwapnioski (NPPD) provided an update on the latest WAC activities. The WAC met on January 20th and the action items from that meeting were distributed to the GC. Jason Farnsworth gave a report on the 2008 high flow event at that meeting. Jennifer Schellpeper presented the Nebraska new depletions plan and indicated there would be additional information provided in April. There was discussion about how to assess the projects presented by Boyle and how those fit with the Water Action Plan. There was a request from the ED Office to extend the contract with Boyle in the amount of \$20,000 to work with Boyle on their spreadsheet tool; the WAC approved. The next meeting will be March 17. Don Kraus asked about using the information from Boyle in spreadsheets to track water, but what did the sensitivity analysis for Phase I mean? Beorn Courtney said it referred to Phase I of the Water Management Study. Alan Berryman asked about the high flow event report. Farnsworth said the report is finalized and the ED Office can either send out a final report or give a presentation at the next GC meeting.

Kenny said the final report will be presented at the April GC meeting.

Schellpeper discussed LB 438 in the Nebraska legislature and its provisions related to instream flow. The Nebraska DNR feels that transferring instream flow rights might be a tool that would



44 be used in the Program, so the DNR testified against the bill. At this point, discussions continue
45 and there have been some amendments proposed to fix this potential problem in the Platte.
46 Schellpeper said the Senator that proposed the bill stated that she did not intend to cause any
47 problems on the Platte with the Program. Kenny said he submitted a letter of comment to the
48 Chairman of the Natural Resources Committee for consideration during deliberations over the
49 bill. DeWeese said the Service and the National Park Service also submitted written testimony
50 regarding the bill. Ament asked if anyone else provided comments or would want to provide
51 comments. Kraus and Brian Barels said they were following the bill and that the NSIA was
52 tracking possible amendments. Schellpeper said the DNR was planning discussions soon with
53 the Senator's office.

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55 *Technical Advisory Committee (TAC)*

56 Mark Peyton (CNPPID) provided an update on the latest TAC activities. The TAC met twice
57 since the last GC meeting. Meeting highlights include:

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59 **January 7, 2009**

- 60 • Discussed final Pallid Sturgeon Information Review report with Ed Peters.
- 61 • Discussed Lower Platte Stage Change Study with Pat Engelbert of HDR.
- 62 • Presentation on High Flow Event report from Jason Farnsworth.
- 63 • Discussed several Program monitoring activities – forage fish, whooping cranes, and water
64 quality (including how to integrate biocontaminants)

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66 **February 4, 2009**

- 67 • Report from Mark Sherfy on status of tern/plover foraging habits study and how to integrate
68 that study with ongoing Program monitoring activities.
- 69 • Forage fish monitoring protocol – extensive discussion of initial data analysis, need for
70 monitoring, relationship to Program hypotheses, and relationship to summer target flows;
71 Chad Smith and Jim Jenniges will conduct additional data analyses and the monitoring effort
72 will be discussed with the TAC.
- 73 • Program data ownership – TAC discussed guidelines for data ownership and publication;
74 Chad Smith will draft a set a guidelines for TAC review and approval before taking that
75 information to the GC.
- 76 • Justin Brei discussed the aerial photography protocol and potential changes; Brei will revise
77 the protocol and present that to the TAC for review and comment.

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79 *Adaptive Management Working Group (AMWG)*

80 Chad Smith said he would discuss AMP implementation activities later in the meeting.

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82 *Finance Committee (FC)*

83 Mike Purcell provided an update on the latest FC activities. The FC met on January 26. The FC
84 discussed Program equipment acquisition; approved the \$20,000 contract extension to Boyle
85 (within budget); successful bids for restoration activities. The FC also asked that the GC

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87 discussed a potential Memorandum of Understanding between the Program and Central.
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89 **Program Outreach Update**

90 Bridget Barron provided an update on Program-related media items and presentations, including:
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- 92 • Purcell and Kraus presented at the Four States Irrigation Council on January 14th.
- 93 • Smith presented to the Nebraska ASCE meeting on January 15th.
- 94 • Bruce Sackett and Farnsworth presented at the Holdrege Water Conference on January 29th.
- 95 • Ament and Ted Kowalski presented at the Colorado Water Congress on January 28th.
- 96 • Laura Belanger presented to Groundwork Denver (environmental leadership) on February 2.
- 97 • Smith presented to a UNK Freshwater Resources Management class on February 2
- 98 • Courtney presented to a University of Colorado water resources management class on
99 February 4.
- 100 • Barron will speak to a Society of Applied Anthropology conference in Santa Fe in March.
- 101 • Smith will present at the annual Nebraska Tern and Plover meeting on February 23.
- 102 • Several Program participants will take part in the CAMNet Rendezvous in March.
- 103 • Smith will speak to Ann Bleed's Integrated Resources Management course on March 24th.
- 104 • Kenny, Sackett, and Smith will present at the Rivers and Wildlife Celebration.

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106 Barron discussed the draft Program plan for Public Information and Outreach. Ament discussed
107 the conversations at the Colorado Water Congress about the economy, how funds will become
108 available, and progress in the Program. Kowalski said he appreciated seeing the strategy and
109 how the Program will be proactive in talking about the Program with the public. John Lawson
110 asked about how the Program is defining partners, given the list presented in the outreach plan.
111 Barron said her approach was partners on the GC and affiliated organizations. Lawson asked
112 about Pathfinder Irrigation District and what that "partnership" means. Kraus said to him it
113 seems to mean people that are involved on both the GC and also Advisory Committees. Barron
114 said she was just using the GC list and she would clarify that in the final plan.

115

116 **Ament said that Barron had approval of the Public Information and Outreach Plan.**

117

118 Barron talked about the Program's Contractor Media Guidelines. **Purcell moved approval;**
119 **Schellpeper seconded. Guidelines approved.**

120

121 **Program Equipment Needs and Acquisition**

122 Kenny said at the direction of the FC the ED Office prepared a Program equipment strategy,
123 which was provided to the GC. The philosophy and approach on equipment will be to procure a
124 limited amount of equipment that is essential for doing the job as ED and staff for the Program.
125 The proposed list of Program equipment does not include large earth-moving or tree-clearing
126 equipment. Purchase versus lease is an option that will be evaluated on a case-by-case basis.
127 The ED Office hopes to pursue a storage and maintenance shop on Program lands; two tracts
128 being considered have adequate storage. Kowalski asked about items that would be owned by



129 Headwaters versus owned by the Program. The GC needs to be clear on what the Program owns
130 in case the Program falls apart. Kenny said he has an equipment list that details items that the
131 Program owns and that Headwaters owns related to its work on the Program. Barels said the
132 history to date has been the ED Office providing Program oversight and getting work done on
133 the ground through contractors/vendors. He asked about items like geomorphology monitoring
134 and how it will be accomplished. Kenny said a contractor has been hired to conduct the
135 monitoring, but the ED Office staff could provide assistance by providing use of equipment.
136 Barels said that raises the question about what tasks the ED Office will accomplish versus what
137 we expect contractors and others to accomplish. The GC needs a feel for how that will play out
138 and how that relates to managing the Program. Kraus said it also raises questions about
139 inspection and that the ED Office should try to specify the percentage of time that the ED Office
140 will spend doing actual projects, managing/inspecting projects, public relations, or other tasks.
141 Kenny said for example, in 2009, tern and plover monitoring will include involvement of
142 Program staff and cooperators. For geomorphology/in-channel vegetation monitoring,
143 contractors will conduct the monitoring but don't necessarily have boats that will work well on
144 the Platte. Thus, a Program airboat could be of assistance in implementing that protocol.

145
146 Kenny said that accessing monitoring/research locations seems to be much simpler from the
147 river, particularly in working with landowners. Kenny also said that even though the Program
148 will use contractors, the ED Office must oversee the work being conducted. Lawson asked about
149 some of the equipment listed related to land management and what the ED Office intends to do
150 in terms of land tasks. Kenny discussed the aspects of land management that the ED Office
151 envisions it will take on, versus a contractor. Lawson asked about how the ED Office planned to
152 staff activities like burning, hauling, chain-sawing, etc. Kenny said that would fall under the role
153 of the new Program Land Manager, Tim Tunnell. Barels said that NPPD found it cheaper to
154 work through contracts than have staff members do it in terms of land management and
155 restoration. Purcell asked about access and the airboat. Kenny said if you stay on the water, you
156 are not trespassing. But, stepping off the boat requires proper landowner permission. Sackett
157 said what the ED Office is asking for is a basic toolbox to conduct land management activities.

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159 Kenny discussed the possibility of acquiring a Program airboat. The main need relates to
160 implementation of monitoring and research needs and regular use over the course of the summer.
161 Kraus asked about the NPPD and Service airboats. Kenny said the ED Office talked to both the
162 Service and the NPPD about their airboats, specifications, uses, and maintenance. Farnsworth
163 said one main difference is that the new airboat would have an engine that can use regular octane
164 gas which will save money. Ament asked where the airboat would be stored. Kenny said land
165 tracts under consideration have potential storage. In the interim, the airboat would be stored at
166 TNC's Doerr House or the Trust. Kraus asked about a timetable for getting this done by. Kenny
167 said it would be good to have it for spring monitoring activities. Barels said NPPD found six
168 firms that would likely be willing to bid on a new airboat. Kenny said the ED Office
169 investigated several firms and there were limitations on the hull specifications (alloy versus
170 carbon-fiber). Farnsworth said Nebraska boat manufacturers that he talked to only build boats



171 with fiberglass hulls. The national firms he talked to in the southeastern U.S. build Everglades-
172 specific boats that do not include wire guards and flip-top cages.

173

174 John Heaston moved to approve the sole-source selection; DeWeese seconded. **Sole-source**
175 **selection for a Program airboat approved.**

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177 Kenny discussed the bid package for the Argo amphibious vehicle. The ED Office estimates
178 potential daily usage during the summer season. Ament asked how many people fit in the Argo.
179 Kenny said it can transport six people. Kevin Urie asked if the equipment will last during the
180 First Increment. Kenny said it would.

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182 Heaston moved to approve the bid package; Schellpeper seconded. **Argo bid package**
183 **approved.**

184

185 **FY09 Budget Items Updates**

186 *WP-1: North Platte Channel Capacity Project*

187 Choke point contract has been let and, weather-allowing, phragmites shredding will begin on
188 Thursday of this week. That work will be completed in advance of the Flow Routing Test. John
189 Kolaniz asked what equipment will be used to get into the river to shred the phragmites. Kenny
190 said it will be a tracked vehicle with a shredder blade on the front. Barels asked about how we
191 determine success on this project. Kenny said it will be the ability to pass pulse flows through
192 the area. Barels asked if we do not accomplish this, how will that relate to what is spelled out in
193 the Program document. Kenny said it means the Program will have fallen short and we will have
194 to do more work – additional phragmites clearing downstream and working with additional
195 landowners are examples of next steps. Barels asked if there will be a monitoring program
196 related to the upcoming Flow Routing Test. Kenny said that will be in place. Purcell asked
197 about the status of the flood stage as determined by the National Weather Service. Kenny said
198 he is working with them on that flood stage and plans for the Flow Routing Test. Barels asked if
199 the downstream area was part of the SEH work. Kenny said that was not part of their work and
200 there is no report or analysis on that downstream area, but that it is clear that downstream
201 proliferation of phragmites is causing conveyance problems and will likely need addressed. This
202 was discussed at a WAC meeting in the summer of 2008. The WAC advised not to study the
203 issue but instead use the money to try and fix the problem. Purcell asked about landowner issues
204 downstream. Kenny said that is largely City of North Platte property

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206 *G1-: LiDAR Implementation*

207 LiDAR has not yet been flown but it is expected early this spring after ice is off the river.

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209 *PD-8: Database Management System Development and Maintenance*

210 Kenny said discussions are concluded with the initial database team with the Service and they
211 will be returning \$75,000 to the Nebraska Community Foundation since the project is not
212 completed. A portion of the \$75,000 was spent on hardware; the Program will receive money
213 instead of that hardware. The last step is the transfer of those funds. The RFP for proposals for



214 the database management system closed on January 30th; 16 proposals were received. The
215 Proposal Selection Team is now reviewing those proposals and will submit their rankings on
216 February 23rd. There is a preliminary date of March 16th for three-four interviews. Purcell asked
217 if the Program gained anything for the \$50,000 that was spent on the initial database
218 management system (DBMS) contract. Kenny said we learned in more details the type of
219 DBMS the Program needs, and also how to best draft a RFP to solicit proposals. As a result, the
220 Program received 16 good proposals that will leave us in a better place with the final product.

221

222 **Elwood & J-2 Return Reservoir Feasibility Studies**

223 Kenny discussed what the relationship between the Program and Central might be in concept
224 related to the Elwood and J-2 reservoir options that emerged from the Water Management Study.
225 Kraus said Central has been cooperating with Boyle and would continue to do so in evaluating
226 the feasibility of these two projects. The preference would be for Central to retain ownership
227 and operational management of these projects. Kraus would like Kenny to think about a long-
228 term contract concept. Purcell said this came up in the FC and it would be good to develop a
229 framework Memorandum of Agreement (MOA) with the District on how to move forward.
230 Purcell discussed the Pathfinder project and how Wyoming works with the Bureau of
231 Reclamation to manage the project. That experience indicates that a MOA would be a very
232 useful and helpful tool. This has always been thought about as a partnership and the related
233 ideas should be discussed. Purcell asked Ament to assign a committee to frame up an agreement.

234 **Ament said he liked the idea and assigned Mike Purcell, John Lawson, Ted Kowalski, Don**
235 **Kraus, Jennifer Schellpeper, and Frank Kwapnioski to the committee. John Lawson was**
236 **appointed Chair.**

237

238 Lawson said this is a very good idea and he has seen it work with forty-year contracts in
239 Wyoming, but the Program legislation sunsets the Program in 2020. The committee will have to
240 decide how to address a “long-term” contract in this context.

241

242 **Adaptive Management Plan Reporting Session**

243 Chad Smith provided a presentation on the status of AMP implementation activities. Brian
244 Barel asked about the Management Objective for whooping cranes in the Program’s Adaptive
245 Management Plan and how that objective that mentions “improve survival” of whooping cranes
246 during migration would be measured in relationship to Program actions. Smith discussed the
247 Program’s involvement in the Whooping Crane Conservation Action Plan process, as well as the
248 whooping crane telemetry project being led by the Platte River Whooping Crane Maintenance
249 Trust. **Barel requested that the AMWG discuss the whooping crane management objective**
250 **and recommend whether the objective should be changed or updated to ensure specificity**
251 **to Program goals and strategies.**

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253 Meeting adjourned until 8:00 a.m. on Wednesday, December 3, 2008.

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Wednesday, February 11, 2009

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Welcome and Administrative

Don Ament called the meeting to order and the group proceeded with a roll call.

Missouri River Ecosystem Restoration Program (MRERP)

Randy Sellers from the U.S. Army Corps of Engineers (Corps) provided a presentation on MRERP. John Lawson asked how this plan fits with the Corps' Master Manual. Sellers said they are two separate items but there is a relationship and recommendations and ideas that come from the MRERP process will have to be related to the Master Manual on a case-by-case basis. Purcell asked why Colorado was not part of the Cooperating Agency Team. Sellers said Colorado was invited but chose to just stay informed about the process. DeWeese asked about the relationship with the Missouri River biological opinion. Sellers said there is a relationship and that biological opinion goals will be a part of the process of developing the MRERP.

EA Flow Routing Test

Greg Wingfield from the Service reported on plans for a Flow Routing Test in 2009. In the context of water conditions, releases from Lake McConaughy this year will include some non-irrigation season releases around April 1 to benefit Central and NPPD. EA releases will wait until mid-April to supplement them with these non-irrigation season releases. Bypass costs and the amount of EA water will be similar to what was planned for 2008. The Service will be working with Cory Steinke at Central and Frank Kwapnioski at NPPD to set specific plans for releases and timing.

2008 USFWS Tiered Biological Opinion

June DeWeese from the Service discussed tiered biological opinions related to the Program. Information about this process is located on a Service web site at www.fws.gov/platteriver. There were 24 tiered consultations in 2008 that are summarized in a spreadsheet from Don Anderson at the Service. The ED Office will distribute the spreadsheet and related documents with the GC minutes. Mike Purcell said Wyoming has Jane McKee serving as their North Platte Coordinator. Wyoming believes this process is working very well.

Public Comment

Ament asked for public comment; none was offered from the audience. Ament said the GC received a written letter from local citizen Mike Dobesh and that a copy of those comments will be distributed to the GC.

Ron Bishop moved to enter into Executive Session; Mike Purcell seconded. **Motion approved.**

Executive Session

The Governance Committee took a fifteen-minute break and then re-convened in Executive Session to discuss Land Tracts 0845, 0849, and 0850. Ron Bishop moved to exit Executive Session; Mike Purcell seconded. **Motion approved.**



300 **Program Land Tracts**

301 Mike Purcell offered a motion to cease further negotiations on 0819; commence appraisals and
302 negotiations on Tracts 0845, 0849, and 0850; and to move into contract phase on 0803, 0842,
303 and 0847; Jennifer Schellpeper seconded. **Motion approved.**

304
305 **Additional Business**

306 Jennifer Schellpeper discussed the \$250,000 that Nebraska is considering offering to the
307 Program to assist with the Water Action Plan. Schellpeper asked the sub-committee formed
308 yesterday to discuss the Central/Program MOA to also discuss how best to apply this money to
309 assist with Water Action Plan projects. Purcell asked what the deadline for transferring that
310 money is. Schellpeper said by July 1. Purcell asked if there was anything preventing Nebraska
311 from depositing the money in the NCF before final decisions were made about how best to apply
312 it to Water Action Plan projects. Schellpeper said she will investigate that option with the state
313 and will work with the sub-committee to explore that option.

314
315 **Future Meetings & Closing Business**

316 The next GC meetings will be:

- 317 • April 7-8 in Kearney, NE
- 318 • June 9-10 in Cheyenne, WY
- 319 • August 11-12 in Denver, CO

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321 Meeting adjourned.

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323 **Summary of Action Items/Decisions from February 2009 GC meeting**

- 324 1) GC approved December 2008 minutes.
- 325 2) ED Office agreed to present the final 2008 High Flow Event Report at the April 2009 GC
326 meeting.
- 327 3) GC approved the Public Information and Outreach Plan.
- 328 4) GC approved the Contractor Media Guidelines.
- 329 5) GC approved sole-source acquisition of a Program airboat.
- 330 6) GC approved bid package for an Argo amphibious vehicle.
- 331 7) GC appointed Mike Purcell, John Lawson, Ted Kowalski, Don Kraus, Jennifer Schellpeper,
332 and Frank Kwapnioski to a sub-committee to consider options for a Memorandum of
333 Understanding between the Program and the Central Nebraska Public Power and Irrigation
334 District related to possible Program water projects. John Lawson was appointed Chair. Sub-
335 committee will also address \$250,000 from Nebraska for Water Action Plan assistance.
- 336 8) GC asked the Adaptive Management Working Group to assess the whooping crane
337 management objective in the Adaptive Management Plan and determine if the objective is
338 still relevant or needs to be altered to link more directly to Program goals and actions.
- 339 9) GC approved ceasing further negotiations on Tract 0819; commencing appraisals and
340 negotiations on Tracts 0845, 0849, and 0850; and to moving into the contract phase on 0803,
341 0842, and 0847.